

PERMIT ACTIVITIES

ENVIRONMENTAL DETERMINATION

COMPLETION GUIDELINES AND FORMAT

Submit Completed Environmental Analysis to:

**Arizona Department of Transportation
Natural Resources Section
206 South 17th Avenue – MD 043R
Phoenix, AZ 85007**

PERMIT ACTIVITIES

Environmental Analysis

Permit Activity: _____

Route Name: _____ **(Self Explanatory)** **Limits: Milepost to Milepost** _____

I. PERMIT ACTIVITY

A) Brief description of location, state and vicinity maps, purpose , and permit activity components (i.e., excavation, vegetation removal, fill material). Note if there is sandblasting or existing utilities involvement.

B) Identify new right-of-way and/or required easements. List adjacent land ownership.

(If no new right-of-way or easements are required, use the following text:)

No new right-of-way or easements are required for the construction of the proposed permit activity.

STATE MAP

Include on ALL maps: Permit activity

VICINITY MAP

Include on ALL maps: Permit activity Name

II. IMPACT EVALUATION

A. Natural Environment

- 1) **Note the absence or presence of critical habitat, wildlife and vegetation, particularly, threatened and endangered (T&E) species, wetlands, and riparian areas. Reference letters from appropriate agencies and include copies of all agency(s) correspondence in the attachments, Section II, F.**

(If there is no involvement with T&E species or critical habitat, use the following text:)

The U.S. Fish and Wildlife Service's list of endangered, threatened, proposed, and candidate species for _____ County was reviewed by a qualified biologist. After consultation with the USFWS, It was determined that no listed species or designated critical habitat will be affected by the construction of this permit activity because _____ (give reasons -- e.g., permit activity area is outside range of species, area does not support any critical habitat, soil conditions, etc.); therefore, no biological survey within the permit activity limits will be necessary. (Attach correspondence in Section II, F)

(Utilize most current list of species from U.S. Fish and Wildlife Service's website: <http://ifw2es.fws.gov/endspcs/lists>)

(If there is involvement with T&E species or critical habitat, use the following text:)

The U.S. Fish and Wildlife Service's list of endangered, threatened, proposed, and candidate species for _____ County was reviewed by a qualified biologist. It was determined that a listed species or designated critical habitat may be affected by the construction of this permit activity (reference notification letter from agency. A biological survey within the permit activity limits has been completed and the following actions/mitigations will be taken as determined in consultations with the U.S. Fish & Wildlife Service: (List mitigations suggested by agency in Section II, E, 4 and Attach correspondence in Section II, F)

In addition, discuss any biological analyses from Tribal Nations and the Arizona Game and Fish Department. (Attach correspondence in Section II, F)

2) **Native plants.**

(If there are no existing protected native plants in the permit activity limits after a survey, use the following text:)

There are no existing protected native plants within the permit activity limits; therefore, there will be no impact to any native plants as a result of this permit activity. (Attach Az Dept of Agriculture correspondence in Section II, F)

(If there are existing protected native plants in the permit activity limits that will be impacted use the following text:)

Protected native plants within the construction limits will be impacted by the permit activity; therefore, the Permittee shall notify the Arizona Department of Agriculture at least 60 days prior to the start of construction to afford commercial salvagers or ADOT the opportunity to remove and salvage these plants.

(If native protected plants occur and require removal on Bureau of Land Management (BLM) land, Forest Service land, or tribal land, contact the

appropriate agency for their requirements.) (Attach agency correspondence in Section II, F)

3) Note the presence or absence of 100-year floodplain and impacts.

(Use the following text when the permit activity is not within a 100-year floodplain:)

A review of the Federal Emergency Management Agency Flood Insurance Rate Map for the permit activity area indicates that the permit activity is not located within 100-year floodplain. Therefore, there will be no involvement with any 100-year floodplain as a result of the construction of this permit activity.

(Use the following text when the permit activity is located within a 100-year floodplain and there is no impact to the 100-year floodplain:)

A review of the Federal Emergency Management Agency Flood Insurance Rate Map for the permit activity area indicates that the permit activity is located within a 100 year floodplain. Impacts on floodplains typically occur when the topography within a floodplain is substantially modified either by placement or removal of materials within the floodplain. Because this is an _____ (overlay, utility trench and fill, or guardrail, etc.) on existing alignment, the permit activity will not substantially modify the topography in the permit activity area. Therefore, no impacts on floodplains are anticipated.

(If the permit activity area is not shown on the floodplain maps, use the following statement in the text:)

The permit activity is in an area that has not been delineated on the Federal Emergency Management Agency Flood Insurance Rate Map for the 100-year floodplain. Impacts on floodplains typically occur when the topography within a floodplain is substantially modified either by placement or removal of materials within the floodplain. Because this is an _____ (overlay or guardrail, etc. permit activity on existing alignment, the permit activity will not substantially modify topography in the permit activity area. Therefore, no impacts on floodplains are anticipated.

(If the permit activity impacts an existing floodplain, follow the requirements of 23CFR650, Subpart A.)

4) Address Section 404 status (i.e., no involvement, covered by Nationwide Permit #_____, or application for individual permit). Address if 401 is also required, i.e., certified, conditional certified, or not certified

(Use the following text when the permit activity does not involve Section 404 permits:)

The proposed construction activities will not involve the discharge of dredged or fill material into waters of the United States; therefore, no Section 404 permit or Section 401 Water Quality Certification is required.

(If a Nationwide Permit is required, use the following text:)

This activity is authorized under the terms and conditions of the attached NWP #_____, including the 404 General and 404 Only Conditions. (Attach Corps of Engineers correspondence in Section II, F) and attach MITIGATION MEASURES, for applicable conditions in Section II, E, 4)

Address Section 401 Water Quality Certification, if required:

(Determine if Section 401 Water Quality Certification has been certified or denied.)

Section 401 Water Quality Certification is under the authority of the Arizona Department of Environmental Quality (ADEQ) except when the permit activity occurs on tribal lands.

For all tribal lands, except the Fort Apache Reservation, the 401 Water Quality Certification is authorized by the Environmental Protection Agency.

For permit activity located within the Fort Apache Reservation, the 401 Water Quality Certification is authorized by the White Mountain Apache Tribe.

Best Management Practices (BMPs) or whatever measures that are proposed to be used on the 401 application for minimizing impacts in the watercourse should be emailed to ADEQ as a WORD PERFECT attachment, if possible. The attachment should be in the form of a list of conditions.

The contact at ADEQ is Andy Travers. His phone number is 602.207.4502, and his email address is: travers.andy@ev.state.az.us.

- 5) **Describe adjacent land uses and planned development and address impacts, if any.**
(Examples would be undeveloped land, residential, commercial, planned development.)

Self explanatory

- 6) **Visual impacts.**

Describe the existing visual setting and discuss whether or not there is any change in character as a result of the permit activity.

- 7) **Wild and Scenic Rivers.**

(If the proposed permit activity does not involve any wild or scenic river, use the following text:)

There are no wild or scenic rivers in the vicinity of the proposed permit activity; therefore, there will be no impact to any wild or scenic rivers as a result of this permit activity.

If the proposed permit activity could have foreseeable impacts on a river on the National Wild and Scenic Rivers System, coordinate with the agency responsible for managing the listed or study river (i.e., National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, or Forest Service.)

- 8) **National Natural Landmarks**

Contact Ms. Margaret A. Brooks, National Natural Landmarks Coordinator, at 520.670.6501, ext. 232, when the permit activity is located in the vicinity of the following national natural landmarks:

National Natural Landmarks (SW Region)

Ownership

Arizona:	Barringer Meteor Crater	Private
	Canelo Hills Cienega	Nature Conservancy
	Comb Ridge	Navajo Nation
	Grapevine Mesa Joshua Trees	BLM & Private
	Kaibab Squirrel Area	NPS & USDA
	Onyx Cave	USDA & Private
	Patagonia-Sonoita Creek Preserve	Nature Conservancy
	Ramsey Canyon	Nature Conservancy
	Willcox Playa	BLM

- 9) **Noxious Weeds.**

Include a statement that a noxious weed survey for the activity area has been conducted by a qualified biologist. Include the noxious weed survey report in the attachments and, if any noxious weeds are found, mitigations proposed that will prevent the spread of the noxious species in the infested area. Also inform Natural Resources Section (602.712.6993) at any point during formulation of the environmental analysis if threatened or endangered plant species are found on site.

(Refer to Executive Order 13112 and use the following text on all permit activity.)

Under Executive Order 13112, dated February 3, 1999, permit activity which occurs on federal lands, or on Federal Aid Project lands (highways) must: 1) prevent the introduction of invasive species; 2) detect and respond rapidly to, and control populations of such species in a cost-effective and environmentally sound manner; 3) monitor invasive species populations accurately and reliably; 4) provide for restoration of native species and habitat conditions in ecosystems that have been invaded.

(For permit activity where no noxious weeds occur use the following text:)

In accordance with Executive Order 13112, the permit activity area was surveyed by a qualified biologist and noxious weed authority, and it was determined that there are no listed noxious weeds within the permit activity boundaries. Therefore, this permit activity will not assist in the spread of noxious weeds. In order to prevent the introduction of noxious weeds, all earth-moving and hauling equipment will be washed prior to entering the construction site. Furthermore, all disturbed soils shall be seeded using native species to help prevent the establishment of noxious weed in the future.

(For permit activity where noxious weed do occur, use the following text:)

In accordance with Executive Order 13112, the permit activity area was surveyed by a qualified biologist and noxious weed authority, and it was determined that there are noxious weeds within the permit activity area (identify species and summarize information provided in the noxious weed report). To prevent the spread of noxious weed seed to uncontaminated areas, all earth-moving and hauling equipment shall be cleaned by steam or power washing at a single site prior to continuing construction beyond the contaminated area. Furthermore, all disturbed soils shall be seeded using native species to help prevent the reestablishment of noxious weeds in the future. Seeding specifications are to be included in Section E 4.

(Include the following text in Section E 4, MITIGATION MEASURES.)

Permittee Responsibilities

(Use the following paragraph when there are no noxious weeds present on the permit activity area:)

In compliance with Executive Order 13112 regarding noxious weeds, all earth-moving and hauling equipment shall be cleaned prior to arriving on site to prevent the introduction of noxious weed seed.

(When noxious weed species are on site, use the following text:)

In compliance with Executive Order 13112 regarding noxious weeds, all earth-moving and hauling equipment shall be washed prior to leaving any contaminated construction site to prevent noxious weed seeds from leaving the site.

(On all permit activity where there will be disturbed areas use the following text:

In compliance with Executive Order 13112 regarding noxious weed species, all disturbed areas shall be seeded with native species.)

Contact the Statewide Natural Resource Management Office, 602.712.6993 to determine occurrence and treatment.

B. Physical/Construction

1) Address noise impacts; use the following text:

Due to the nature of the work this permit activity involves, this permit activity will not increase current noise levels or present a negative impact. Construction noise will be controlled in accordance with local rules and ordinances.

2) Address air quality impacts; use one of the following appropriate air quality discussions in the text:

(For permit activity located in an attainment area;)

This permit activity is in an area that complies with all national ambient air quality standards. Therefore, conformity procedures do not apply to this permit activity. This permit activity will have no adverse effect on the air quality in the area. (Refer to Nonattainment Area Maps to verify this statement).

Some deterioration of air quality may be expected due to the operation of construction equipment and the slower traffic speeds associated with a construction zone. However, this will be a localized condition that will be discontinued when the permit activity is completed. Fugitive dust generated from construction activities must be controlled in accordance with local rules or ordinances.

(For permit activity located in a nonattainment area use the following text: Confirm conformity exemption list with Air Quality Specialist.)

The U.S. Environmental Protection Agency (EPA) air quality conformity regulations provide full or partial exemption from conformity for certain types of transportation permit activity as specified in 40 CFR 51.460 and 40 CFR 51.462. These sections are also included in Arizona conformity rules as R-18-2-1434 and R-18-2-1435, respectively. The exemption list was developed to simplify the conformity process for permit activity with neutral air quality impacts. Federal and state conformity rules specify that states and MPO's should ensure that exempt permit activity will not interfere with transportation control measure (TCM) implementation.

Due to the nature of the work this permit activity requires, it is exempt from conformity regulations. The permit activity will have no adverse effect on the air quality in the area. This permit activity is located in the _____ (state nonattainment area and pollutant(s) of concern are _____.)

Some deterioration of air quality may be expected due to the operation of construction equipment and the slower traffic speeds associated with a construction zone. However, this will be a localized condition that will be discontinued when the permit activity is completed. Fugitive dust generated from construction activities must be controlled in accordance with state and local rules or ordinances.

3) Discuss temporary construction-related impacts such as traffic control, detours, dust abatement. NOTE: Detours must be included in the environmental analysis for environmental surveys and socioeconomic impacts.

Self explanatory

4) Utilities.

If utilities are involved, discuss the type of utility involvement, i.e., relocation, temporary disconnection of service, etc. Note who will do the work; i.e., contractor, utility company, etc. Property owners affected by utility work should be notified prior to the start of construction by the Permittee.

(If no utilities are involved with the permit activity, use the following text:)

No utility work is anticipated; however, the Permittee will investigate utility involvement during the permit activity design phase.

5) Hazardous materials evaluation.

(Use the following statement in the text when hazardous materials are not found - include in Section E 4 MITIGATION MEASURES)

A Preliminary Initial Site Assessment for hazardous materials was conducted for the permit activity area. No hazardous materials concerns were identified. No further hazardous materials investigation is required. If suspected hazardous materials are encountered during construction, work will cease at that location and the ADOT District Permit Supervisor will arrange for proper treatment or disposal of those materials.

6) Address National Pollutant Discharge Elimination System (NPDES).

The following statements should be used to address erosion/sediment control in the text of the environmental document:

(When the permit activity involves the disturbance of five or more acres, an NPDES permit will be required. The statement to be used in the text will be:)

Because five or more acres of land will be disturbed, a National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Pollution Prevention Plan (SWPPP) will be required.

(The following statements should be used for the mitigation measures in the Environmental Analysis under Section II, E 4, MITIGATION MEASURES.)

Permittee Responsibilities:

The Permittee will submit the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Environmental Protection Agency (EPA) and copies to the Arizona Department of Environmental Quality (ADEQ). The Permittee will also submit a SWPPP as an attachment to the E.A in Section II, F.

(When the permit activity has less than five acres of disturbance the following statement will be used in the text of the environmental document☺)

Because less than five acres of land will be disturbed for this construction permit activity no pollutant Discharge Elimination System permit will be required.

C. Socioeconomic

1) Note presence or absence of residential/commercial development and displacement.

Self explanatory.

2) Note presence of minority group(s) in the area, if applicable.

Provide socioeconomic data only if the permit activity area has minority/low income concentrations in the area.

3) Note any public awareness of the permit activity, controversy, or support.

Self explanatory.

4) Address possible temporary and permanent impacts of business disruption, access change, parking restrictions, etc. Address permanent changes in traffic service or patterns as a result of the permit activity.

Self explanatory.

5) Address possible impacts on neighborhood continuity.

Self explanatory.

6) Note positive socioeconomic factors (construction-related purchases, local spending, improved neighborhood safety, and traffic operation).

Self explanatory.

D. Cultural Resources

1) State if any known archaeological/historical sites occur in the permit activity limits.

Number of sites or site numbers can be listed; DO NOT list milepost locations of specific sites.

2) Provide survey data (when, where, recommendation) if conducted and reference the report.

Self explanatory.

3) Agency/SHPO determination of eligibility and effect.

Self explanatory.

4) Mitigation or avoidance measures.

(Use the following text:)

If previously unidentified cultural resources are identified during construction, work will cease at that location and the ADOT District Permit Supervisor will arrange for proper treatment of these resources. (include MITIGATION MEASURES in Section II, E, 4)

(NOTE: Milepost limits may be identified for avoidance.)

5) Reference SHPO concurrence with determination of effect, if applicable.

Self explanatory.

3. PUBLIC INVOLVEMENT

1) Note any public meetings, forums, or hearings.

Self explanatory.

2) Note coordination with other agencies.

Self explanatory:

3) Identify any recommendations for additional public involvement (i.e., local construction notice).

Notify or coordinate with adjacent property owners to solicit their input (not legally required).

4) MITIGATION MEASURES (if applicable) Summarize specific mitigation measures. These need to provide clear direction to construction personnel as to the steps to be taken to implement the measure(s).

F. ATTACHMENTS

- State and vicinity maps.
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- Other attachments must include, but are not limited to:
 1. Agency correspondence - BLM, USFS, ADOT, ADEQ, ADA, USFWS, AZ G&F, etc.)
 2. Cultural clearance (Archeology) - ADOT Environmental Planning Group
 3. Threatened and Endangered Species - Arizona Game and Fish Department
 4. T & E Critical Habitat – U.S. Fish and Wildlife Service
 5. Protected Native Plants – AZ. Department of Agriculture
 6. Noxious Weed Clearance – ADOT Natural Resources Section or qualified biologist.
 7. Reseeding Special Provisions – ADOT Natural Resources Section
 8. Hazmat Report
 9. Clean water Act documents (401, NPDES, SWP3, N.O.I., N.O.T., 404 {as required})
 10. Mitigation Plan
 11. Public response letters (if applicable)
- Permit Activity plans, diagrams and illustrations.